

ASSEMBLY BILL

No. 347

Introduced by Assembly Member Battin

February 11, 1999

An act to add Section 294.5 to the Penal Code, relating to sex offenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 347, as introduced, Battin. Sex offenses: Internet directory.

Existing law requires the Department of Justice to compile, organize, and make available through a "900" telephone number, specified information regarding persons required to register as sex offenders.

This bill would additionally require the Department of Justice to establish and maintain a publicly accessible Internet directory of information relating to registered sex offenders who are convicted of specified offenses on or after January 1, 1998. The bill would provide that any person who uses information disclosed pursuant to this provision to commit a crime shall be punished, in addition and consecutive to any other punishment for the offense, by a fine of not less than \$10,000 and not more than \$100,000. The bill would further provide that 50% of the assessed fine shall be allocated to nonprofit entities who specialize in the long-term care and treatment of children who are victims of sexual offenses and 50% of the assessed fine shall be allocated to temporary shelters for abused children. By establishing a new sentence

enhancement, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 294.5 is added to the Penal Code,
2 to read:

3 294.5. (a) The Department of Justice shall establish
4 and maintain a publicly accessible Internet directory of
5 information relating to persons who are required to
6 register under Section 290 for a conviction of any offense
7 specified in paragraph (1) of subdivision (a) of Section
8 290.4 on or after January 1, 1998.

9 (b) The Attorney General shall include in each file in
10 the directory specified information about registered
11 offenders, including the offender's name, photograph,
12 gender, skin color, hair color, eye color, height, weight,
13 date of birth, any scars, tattoos, or other distinguishing
14 marks, and the city, county, and ZIP Code in which the
15 registered offender resides. Under no circumstances shall
16 the file contain the street name or number of the address
17 at which the registered offender resides.

18 (c) The department shall keep confidential, and not
19 enter into the directory, information regarding any
20 person for which the Attorney General has determined
21 that disclosure pursuant to this section would endanger
22 the safety of a person involved in an investigation or the
23 successful completion of the investigation or a related
24 investigation.

25 (d) (1) Any person who uses the information
26 disclosed pursuant to this section to commit any crime
27 shall be punished, in addition and consecutive to any



1 other punishment for that crime, by a fine of not less than
2 ten thousand dollars (\$10,000) and not more than one
3 hundred thousand dollars (\$100,000).

4 (2) Notwithstanding any other provision of law, fines
5 assessed under paragraph (1) shall be allocated in the
6 following manner by the county victim services agency
7 or the county agency providing services to victims:

8 (A) Fifty percent shall be allocated to nonprofit
9 entities within the county where the crime was
10 committed who specialize in the long-term care and
11 treatment of children who are victims of sexual offenses.

12 (B) Fifty percent shall be allocated to temporary
13 shelters for abused children within the county where the
14 crime was committed.

15 SEC. 2. No reimbursement is required by this act
16 pursuant to Section 6 of Article XIII B of the California
17 Constitution because the only costs that may be incurred
18 by a local agency or school district will be incurred
19 because this act creates a new crime or infraction,
20 eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition
23 of a crime within the meaning of Section 6 of Article
24 XIII B of the California Constitution.

25 Notwithstanding Section 17580 of the Government
26 Code, unless otherwise specified, the provisions of this act
27 shall become operative on the same date that the act
28 takes effect pursuant to the California Constitution.

